

The Online Coalition

910 15th Street, NW | Washington, DC | 20005

June 3, 2005

Mr. Brad C. Deutsch
Assistant General Counsel
Federal Election Commission
999 E Street NW
Washington, DC 20463
Internet@fec.gov

Re: Comments on Notice 2005-10: Internet Communications

Dear Mr. Deutsch,

We would like to amend the comment we submitted electronically by The Online Coalition on June 3, 2005. We inadvertently left the following material out of the section entitled “A. 11 CFR 100.26 – Definition of Public Communication.” The omitted paragraphs are below and the full comment is also attached to this e-mail.

In addition, the Commission should promulgate a rule regarding when disclaimers are required on paid advertisements on the Internet and how they should appear. For example, disclaimers are not currently required on “bumper stickers, pins, buttons, pens, and similar small items upon which the disclaimer cannot be conveniently printed.” 11 CFR 110.11(f)(i). In the past, the Commission has applied this principle to small digital advertisements. In Advisory Opinion 2002-9, the Commission held that text messages sent to cellular telephones did not require disclaimers because of the size of the message rendered disclaimers inconvenient and impractical.

The commission should follow AO 2002-9 in only requiring disclaimers on ads that are large enough to provide proper identification without rendering the advertisement useless. Google text links, which only provide a maximum allocation of 95 characters including spaces, should not be forced to carry disclaimers. The same should apply to small “tile” banner ads, such as those that are often found on blogs.

Furthermore, producing and purchasing advertisements on traditional media (i.e. television, newspapers, etc.) typically cost tens and hundreds of thousands of dollars. Some ad campaigns cost millions. However, the Internet has effectively put the power of advertising communication into the hands of every citizen. For the same price as a yard sign or handful of bumper stickers, anyone can purchase a small amount of advertising on the Internet – even if only to communicate with

their own digital neighborhood, if you will. Ads on blogs, for example, cost as little at \$10 per week. Ads on search engines, such as Google, can cost just \$.10 per click.

As such, we also believe that there should be a spending threshold that must be surpassed before a paid advertisement on the Internet is subject to disclaimer or reporting requirements – especially if the advertisement is purchased by an individual. We suggest a threshold amount of at least \$5,000 per election cycle or calendar year.

Thank you for your consideration and for the opportunity to submit these additions.

Respectfully,

A stylized, handwritten signature in black ink, appearing to read 'MAB'.

Michael A. Bassik
The Online Coalition
Washington, DC

A handwritten signature in black ink, appearing to read 'Mike Krempasky'.

Mike Krempasky
RedState.org
Falls Church, VA